

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RYSZARD ZIELINSKI	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
	:	
SPS TECHNOLOGIES LLC	:	NO. 10-3106
Defendant.	:	

**ORDER**

AND NOW, this 22<sup>nd</sup> day of November, 2011, upon careful consideration of Defendant's Motion for Judgment as a Matter of Law or, in the Alternative, Motion for a New Trial (ECF No. 67), and the parties' briefing, and for the reasons in the accompanying Memorandum, it is hereby ORDERED:

- (1) The Motion is DENIED insofar as it seeks judgment as a matter of law;
- (2) The Motion is DENIED insofar as it seeks a new trial on liability;
- (3) The Motion is GRANTED insofar as it seeks a new trial on damages, UNLESS, within 30 days, Plaintiff accepts a remittitur limiting emotional distress damages to \$100,000 and punitive damages to \$327,500, in which event the Motion will also be DENIED insofar as it seeks a new trial on damages;
- (4) The Court urges counsel to discuss Plaintiff's Application for Attorney's Fees and Costs (ECF No. 57) and his Motion to Incorporate Pre-Judgment Interest (ECF No. 58) in light of the Court's Order of today to determine if an agreement can be reached. In the absence of an agreement, the parties may submit briefs supplementing or amending their contentions regarding those Motions. Plaintiff's brief shall be submitted within seven (7)

days of this Order, and Defendant shall respond within seven (7) days of Plaintiff's filing.

Both parties are limited to ten (10) pages double-spaced.

BY THE COURT:

s/Michael M. Baylson

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Michael M. Baylson, U.S.D.J.

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